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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.								
10/796,516	03/09/2004	Richard J. Petschauer	6817	1963								
7590 Charles A. Johnson 1448 90th Avenue Amery, WI 54001		04/16/2007	<table border="1"><tr><td colspan="2">EXAMINER</td></tr><tr><td colspan="2">BANKHEAD, GENE LOUIS</td></tr><tr><td>ART UNIT</td><td>PAPER NUMBER</td></tr><tr><td>3744</td><td></td></tr></table>		EXAMINER		BANKHEAD, GENE LOUIS		ART UNIT	PAPER NUMBER	3744	
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SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE									
3 MONTHS		04/16/2007	PAPER									

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/796,516	PETSCHAUER, RICHARD J.	
	Examiner	Art Unit	
	Gene L. Bankhead	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 12 is/are rejected.
- 7) ☒ Claim(s) 5-11 and 13-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03/09/04 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments, filed 1/16/2007, with respect to the rejection(s) of claim(s) 1-20 under 35 U.S.C. 102(b) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Darey et al. (US 4248051).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Darey et al. (US 4258051) in view of (US Shah 6557771).

With regard to claims 1 and 3, Darey et al. teach a humidity control system 10 with an inside room humidity sensor 40B, an outside temperature sensor circuit 42A, an outside temperature humidity compensator circuit 44 responsively coupled to the outside temperature sensor circuit (column 6 lines 13-40) and an adjustment control circuit capable of controlling able to control gain and error detection by line 46 (column 6 lines 13-40). Darey et al. further teach the sensed outside temperature causes the outside temperature humidity compensator circuit to automatically adjust the in-room humidity to a preset level (column 6 lines 13-40). They fail to teach a humidity controller

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coupled to the inside humidity sensor and that the humidity controller has a selectively actuatable humidity level selection control for providing a control signal for selecting a target in room humidity. Shah (US 6557771) teaches a humidity control system with a humidity sensor coupled to the humidity controller 25 and that the controller controls the signal provided based on a target in-room humidity. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Darey et al. with Shah in order to control humidity as a function of both the outside and inside temperature and thus enable a user to adjust humidity levels to a desired comfort level.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darey et al. (US 4258051) in view of (US Shah 6557771) in further view of Gauthier et al. (US 5911747).

In regard to claim 2, Darey et al. (US 4248051) in view of Shah (US 6557771) teach all limitations of claim 1, however fail to teach the outside temperature sensor circuit includes a thermistor circuit. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Darey et al. with a thermistor circuit as Gauthier teaches it was well known in the art at the time the invention was made thermistors are extensively used to measure outside temperature conditions (column 4 lines 24-27).

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Darey et al. (US 4258051) in view of Shah (US 6557771) in further view of Grald et al. (US 4889280).

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With regard to claim 4, Darey et al. in view of Shah teach all limitations of claim 3 however fail to teach a control switch for switching the operating state of the humidity control system. Grald et al. teach a temperature and humidity control system with a switch 22 connected to a comparator 24 and switch control 200 (column 2 lines 35-46). They further teach the switch control measures humidity levels (column 2 lines 60-68, column 3 lines 1-8, and column 4 lines 5-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Darey et al. with Grald et al. to enable the humidity control system to compare the present humidity levels using the humidity control sensor and a predetermined humidity reading (column 1 lines 35-55) in view of the teachings of Grald et al.

With regard to claim 12, Darey et al. in view of Shah teach a humidity control system capable of performing the method as claimed. See the rejection of claim 1 as claims cite similar subject matter.

### ***Allowable Subject Matter***

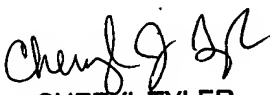
Claims 5-11 and 13-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gene L. Bankhead whose telephone number is (571)-272-8963. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571)-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
CHERYL TYLER  
SUPERVISORY PATENT EXAMINER

Gene Bankhead  
Examiner  
Art Unit 3744

4/12/07